MJP

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY cb DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Mario RODRIGUEZ,** Defendant(s)	Magistrate Case No. '08 MJ 0555 COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens

The undersigned complainant, being duly sworn, states:

On or about **February 22, 2008,** within the Southern District of California, defendant **Mario RODRIGUEZ** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Gonzalo GONZALEZ-Palacio, Jose Felix FLORES-Gonzalez,** and **Miguel FLORES-Gonzalez** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 25th DAY OF **FEBRUARY 2008.**

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

M/P

CONTINUATION OF COMPLAINT:
Mario RODRIGUEZ

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Gonzalo GONZALEZ-Palacio, Jose Felix FLORES-Gonzalez,** and **Miguel FLORES-Gonzalez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 22, 2008 Border Patrol Agents M. Saclarides and K. Balanciere were conducting patrol duties in the Boulevard, California area along the Interstate 8 smuggling corridor. Both agents were in full uniform and in a marked Border Patrol vehicle. The weather was cool and visibility was poor due to dense fog.

At approximately 5:50 P.M. the agents received a report of a blue pick-up with a silver tail-gate suspected of smuggling aliens driving eastbound along Highway 94 between Shasta Road and Tierra Del Sol Road. A few minutes later the citizen reported that the pick-up was now westbound on Old Hwy 80 from the Hwy 94 and Old Hwy 80 split. The agents positioned their vehicle at the intersection of Old Hwy 80 and Tierra Del Sol Road. At approximately 6:00 P.M. A green pick up with a silver tailgate drove slowly past their location. Believing that this was the vehicle in the report the agents began to follow the vehicle.

As soon as the agents pulled in behind it the pick-up pulled over to the right shoulder of Old Hwy 80 and stopped. The agents approached the vehicle on foot and immediately saw ten people lying down in the open bed of the truck. When they reached the cab the agents saw defendant **Mario RODRIGUEZ** in the driver's seat and six individuals attempting to conceal themselves from view.

The agents identified themselves as Border Patrol Agents and queried the occupants as to their immigration status. The defendant admitted that he was a United States citizen. The rest of the occupants admitted that they were citizens and nationals of Mexico illegally present in the United States. At 6:00 P.M. the agents placed the defendant under arrest and took the other 16 individuals into custody and transported them to Campo Border Patrol Station for processing.

STATEMENT OF THE DEFENDANT:

Defendant Mario RODRIGUEZ was advised of his rights as per the Miranda Warning. The defendant understood his rights and agreed to be interviewed without representation. The defendant admits that he received the pick-up earlier in the day from someone he did not know in order to do a job. The defendant stated that he did not know he would be smuggling aliens until about twenty minutes before arriving at a location near Potrero, California where he picked up the fifteen aliens arrested with him. The defendant stated he did not know the area and was being directed by someone who contacted him via a cellular phone with two-way radio feature. After picking up the illegal aliens, the defendant drove as instructed, east on Hwy 94 and was trying to find Interstate 8 in order to head west toward San Diego, California.

CONTINUATION OF COMPLAINT:
Mario RODRIGUEZ

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Gonzalo GONZALEZ-Palacio, Jose Felix FLORES-Gonzalez, and Miguel FLORES-Gonzalez** all freely admitted to being citizens and nationals of Mexico without the proper documentation to be in or enter the United States legally. All three witnesses stated they were going to pay between $1,500.00 and $2,000.00 USD to be smuggled to various parts of California. They stated they were picked up by a pickup truck and all laid down in the bed of the truck. Two subjects stated they were afraid for their life due to being in back of the truck. All three witnesses were shown a photographic lineup and were unable to identify the defendant as the driver of the vehicle.

Executed on February 23, 2008 at 10:00 a.m.

Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **2** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **February 22, 2008** in violation of Title **8**, United States Code, Section **1324**.

Nita L. Stormes
United States Magistrate Judge

2-23-08 @ 3:15pm
Date/Time